

2-17-2010

IMPOSES ADDITIONAL REQUIREMENT  
FOR VOTERS TO APPROVE LEGISLATURE'S  
TWO-THIRDS VOTE ON STATE TAXES.  
INITIATIVE CONSTITUTIONAL  
AMENDMENT.

Follow this and additional works at: [http://repository.uchastings.edu/ca\\_ballot\\_inits](http://repository.uchastings.edu/ca_ballot_inits)

---

**Recommended Citation**

IMPOSES ADDITIONAL REQUIREMENT FOR VOTERS TO APPROVE LEGISLATURE'S TWO-THIRDS VOTE ON STATE TAXES. INITIATIVE CONSTITUTIONAL AMENDMENT. California Initiative 1453 (2010).  
[http://repository.uchastings.edu/ca\\_ballot\\_inits/1653](http://repository.uchastings.edu/ca_ballot_inits/1653)

This Initiative is brought to you for free and open access by the California Ballot Propositions and Initiatives at UC Hastings Scholarship Repository. It has been accepted for inclusion in Initiatives by an authorized administrator of UC Hastings Scholarship Repository. For more information, please contact [marcusc@uchastings.edu](mailto:marcusc@uchastings.edu).



**DEBRA BOWEN | SECRETARY OF STATE**  
**STATE OF CALIFORNIA | ELECTIONS**

1500 11th Street, 5th Floor | Sacramento, CA 95814 | Tel (916) 657-2166 | Fax (916) 653-3214 | [www.sos.ca.gov](http://www.sos.ca.gov)

September 2, 2010

County Clerk/Registrar of Voters (CC/ROV) Memorandum #10279

TO: All County Clerks/Registrars of Voters and Proponent

FROM:

  
Katherine Montgomery  
Initiative Program Manager

RE: Initiative: Failure of #1453, Related to Vote Requirements

Pursuant to Elections Code section 9030(b), you are hereby notified that the total number of signatures for the hereinafter named initiative constitutional amendment filed with all county elections officials is less than 100 percent of the number of qualified voters required to find the petition sufficient; therefore, the petition has **failed**.

TITLE: IMPOSES ADDITIONAL REQUIREMENT FOR VOTERS TO  
APPROVE LEGISLATURE'S TWO-THIRDS VOTE ON  
STATE TAXES. INITIATIVE CONSTITUTIONAL  
AMENDMENT.

SUMMARY DATE: February 18, 2010

PROPONENT: Thomas W. Hiltachk



**DEBRA BOWEN | SECRETARY OF STATE**  
**STATE OF CALIFORNIA | ELECTIONS**


1500 11th Street, 5th Floor | Sacramento, CA 95814 | Tel (916) 657-2166 | Fax (916) 653-3214 | [www.sos.ca.gov](http://www.sos.ca.gov)

February 18, 2010

County Clerk/Registrar of Voters (CC/ROV) Memorandum #10069

TO: All County Clerks/Registrars of Voters and Proponent

FROM:

  
Katherine Montgomery  
Associate Elections Analyst

RE: Initiative: 1453, Related to Vote Requirements

Pursuant to Elections Code section 336, we transmit herewith a copy of the Title and Summary prepared by the Attorney General on a proposed initiative measure entitled:

**IMPOSES ADDITIONAL REQUIREMENT FOR  
VOTERS TO APPROVE LEGISLATURE'S TWO-THIRDS  
VOTE ON STATE TAXES. INITIATIVE CONSTITUTIONAL AMENDMENT.**

The proponent of the above-named measure is:

Thomas W. Hiltachk  
455 Capitol Mall, Suite 801  
Sacramento, CA 95814

(916) 442-7757

#1453

**IMPOSES ADDITIONAL REQUIREMENT FOR  
VOTERS TO APPROVE LEGISLATURE'S TWO-THIRDS  
VOTE ON STATE TAXES. INITIATIVE CONSTITUTIONAL AMENDMENT.**

**CIRCULATING AND FILING SCHEDULE**

---

1. Minimum number of signatures required: .....694,354  
California Constitution, Article II, Section 8(b)
2. Official Summary Date: .....Wednesday, 02/17/10
3. Petitions Sections:
  - a. First day Proponent can circulate Sections for  
signatures (Elec. Code § 336) ..... Wednesday, 02/17/10
  - b. Last day Proponent can circulate and file with the county.  
All sections are to be filed at the same time within each  
county. (Elec. Codes §§ 336, 9030(a)) ..... Monday, 07/19/10\*
  - c. Last day for county to determine total number of  
signatures affixed to petitions and to transmit total  
to the Secretary of State (Elec. Code § 9030(b)) ..... Thursday, 07/29/10  
  
(If the Proponent files the petition with the county on a date prior to  
07/19/10, the county has eight working days from the filing of the petition  
to determine the total number of signatures affixed to the petition and to  
transmit the total to the Secretary of State) (Elec. Code § 9030(b)).
  - d. Secretary of State determines whether the total number  
of signatures filed with all county clerks/registrars of  
voters meets the minimum number of required signatures  
and notifies the counties..... Saturday, 08/07/10\*\*
  - e. Last day for county to determine total number of qualified  
voters who signed the petition, and to transmit certificate  
with a blank copy of the petition to the Secretary of State  
(Elec. Code § 9030(d)(e)) ..... Tuesday, 09/21/10

\* Date adjusted for official deadline, which falls on a weekend (Elec. Code § 15).

\*\* Date varies based on the date of county receipt.

**INITIATIVE #1453**  
**Circulating and Filing Schedule continued:**

---

(If the Secretary of State notifies the county to determine the number of qualified voters who signed the petition on a date other than 08/07/10, the last day is no later than the thirtieth working day after the county's receipt of notification.) (Elec. Code § 9030(d)(e)).

- f. If the signature count is more than 763,790 or less than 659,637 then the Secretary of State certifies the petition as qualified or failed, and notifies the counties. If the signature count is between 659,637 and 763,790 inclusive, then the Secretary of State notifies the counties using the random sampling technique to determine the validity of **all** signatures (Elec. Code §§ 9030(f)(g), 9031(a)) .....Friday, 10/01/10\*
- g. Last day for county to determine actual number of all qualified voters who signed the petition, and to transmit certificate with a blank copy of the petition to the Secretary of State. (Elec. Code § 9031(b)(c)) ..... Monday, 11/15/10

(If the Secretary of State notifies the county to determine the number of qualified voters who have signed the petition on a date other than 10/01/10, the last day is no later than the thirtieth working day after the county's receipt of notification.) (Elec. Code § 9031(b)(c).)

- h. Secretary of State certifies whether the petition has been signed by the number of qualified voters required to declare the petition sufficient (Elec. Code §§ 9031(d), 9033) .....Friday, 11/19/10\*

\*Date varies based on the date of county receipt.

## IMPORTANT POINTS

---

- California law prohibits the use of signatures, names and addresses gathered on initiative petitions for any purpose other than to qualify the initiative measure for the ballot. This means that the petitions cannot be used to create or add to mailing lists or similar lists for any purpose, including fundraising or requests for support. Any such misuses constitutes a crime under California law. Elections Code section 18650; *Bilofsky v. Deukmejian* (1981) 124 Cal.App.3d 825, 177 Cal.Rptr. 621; 63 Ops.Cal.Atty.Gen. 37 (1980).
- Please refer to Elections Code sections 100, 101, 104, 9001, 9008, 9009, 9021, and 9022 for appropriate format and type consideration in printing, typing and otherwise preparing your initiative petition for circulation and signatures. Please send a copy of the petition after you have it printed. This copy is not for our review or approval, but to supplement our file.
- Your attention is directed to the campaign disclosure requirements of the **Political Reform Act of 1974**, Government Code section 81000 et seq.
- When writing or calling state or county elections officials, provide the official title of the initiative which was prepared by the Attorney General. Use of this title will assist elections officials in referencing the proper file.
- When a petition is presented to the county elections official for filing by someone other than the proponent, the required authorization shall include the name or names of the persons filing the petition.
- When filing the petition with the county elections official, please provide a blank petition for elections official use.

EDMUND G. BROWN JR.  
Attorney General

State of California  
DEPARTMENT OF JUSTICE



1300 I STREET, SUITE 125  
P.O. BOX 944255  
SACRAMENTO, CA 94244-2550  
Public: (916) 445-9555  
Telephone: (916) 445-4752  
Facsimile: (916) 324-8835  
E-Mail: Krystal.Paris@doj.ca.gov

February 17, 2010

**FILED**  
In the office of the Secretary of State  
of the State of California

FEB 17 2010

Honorable Debra Bowen  
Secretary of State of the State of California  
State of California Elections  
1500 11th Street, 5th Floor  
Sacramento, CA 95814

Debra Bowen, Secretary of State  
By  Deputy Secretary of State

Attention: Ms. Katherine Montgomery  
Associate Elections Analyst

Dear Secretary Bowen:

Pursuant to Elections Code, section 9004, you are hereby notified that on this day we sent our title and summary for each of the following proposed initiatives to the respective proponents:

- 09-0100, RE: Taxes [V-3.]
- 09-0101, "Ask Us First Taxpayer Protection Act of 2010."
- 09-0104, "California Jobs Initiative." [V-1.] (Hiltachk)
- 09-0105, "California Jobs Initiative." [V-2.] (Hiltachk)
- 09-0106, "Vote SAFE: Secure and Fair Elections Act." [V-5.]

A copy of the title and summary and text of each initiative is enclosed.

Sincerely,



KRYSTAL M. PARIS  
Initiative Coordinator

For EDMUND G. BROWN JR.  
Attorney General

February 17, 2010  
Initiative 09-0101

The Attorney General of California has prepared the following title and summary of the chief purpose and points of the proposed measure:

**IMPOSES ADDITIONAL REQUIREMENT FOR VOTERS TO APPROVE  
LEGISLATURE'S TWO-THIRDS VOTE ON STATE TAXES. INITIATIVE**

**CONSTITUTIONAL AMENDMENT.** Imposes new requirement for voters to approve state tax measures following a two-thirds vote by the Legislature. Exempts short-term emergency taxes from voter-approval requirement. Increases legislative vote requirement to two-thirds for certain taxes currently subject to majority vote. Prohibits Legislature from imposing taxes, fees and assessments on real property and real property sales and transfers. Summary of estimate by Legislative Analyst and Director of Finance of fiscal impact on state and local government: **Potentially major decrease in state revenues and spending in the future, depending upon actions of the Legislature and voters. (09-0101.)**



THOMAS W. HILTACHK

455 Capitol Mall, Suite 801  
Sacramento, California 95814  
(916) 442-7757

December 21, 2009

09 - 0101

RECEIVED

DEC 21 2009

INITIATIVE COORDINATOR  
ATTORNEY GENERAL'S OFFICE

Initiative Coordinator  
Office of the Attorney General  
State of California  
PO Box 994255  
Sacramento, CA 94244-25550

Re: Request for Title and Summary for Proposed Initiative  
Ask Us First Taxpayer Protection Act of 2010

Dear Ms. Paris:

Pursuant to Article II, Section 10(d) of the California Constitution, I am submitting the attached proposed statewide ballot measure ("Ask Us First Taxpayer Protection Act of 2010") to your office and request that you prepare a title and summary of the measure as provided by law. I have also included with this letter the required signed statement pursuant to California Elections Code section 9608, and a check in the amount of \$200. My address as registered to vote is shown on Attachment 'A' to this letter.

Should you have any questions or require additional information, please contact me at 455 Capitol Mall, Suite 801, Sacramento, CA 95814 or (916) 442-7757. Thank you.

Very truly yours,

Thomas W. Hiltachk

## INITIATIVE MEASURE TO BE SUBMITTED TO VOTERS

## SECTION 1. STATEMENT OF FINDINGS

- A. Californians are among the highest taxed citizens of any state in the nation.
- B. Recently the Legislature raised taxes by over \$12 billion, and it would have doubled the amount of that tax increase if not stopped by the voters.
- C. Voters already have the right to vote on local taxes. It makes sense that voters should also have the right to vote on state taxes.

## SECTION 2. STATEMENT OF PURPOSE

The people hereby enact the "Ask Us First Taxpayer Protection Act of 2010" to require voter approval for any new, extended, or increased state tax.

## SECTION 3. AMENDMENT TO CONSTITUTION

Section 3 of Article XIII A is hereby amended to read:

Sec. 3 The Legislature shall not:

- (a) Impose, extend, or increase any state tax on any taxpayer except by a bill passed in each house by a rollcall vote entered in the journal, two-thirds of the membership concurring, and submitted to the electorate and approved by a majority vote. A tax necessary for the purpose of funding expenditures relating to an emergency as provided in section 3(c) of Article XIII B, may become effective immediately without voter approval if the tax expires prior to the first statewide election held in the calendar year following the calendar year of the emergency. From and after the effective date of this article, any changes in State taxes except enacted for the purpose of increasing revenues collected pursuant thereto whether by increased rates or changes in methods of computation must be imposed by an Act passed by not less than two-thirds of all members elected to each of the two houses of the Legislature, except that no new ad valorem taxes on real property, or sales or transaction taxes on the sales of real property may be imposed.
- (b) Impose any tax, fee, or assessment on real property, or on the sale or transfer of real property.

## SECTION 4. GENERAL PROVISIONS

- A. If any provision of this measure, or part thereof, is for any reason held to be invalid or unconstitutional, the remaining provisions shall not be affected, but shall remain in full force and effect, and to this end the provisions of this measure are severable.
- B. This measure is intended to be comprehensive. If this measure and another measure or measures relating to the same subject appear on the same statewide ballot, the other

measure or measures shall be deemed to be in conflict with this measure. If this measure receives a greater number of affirmative votes, the provisions of this measure shall prevail in their entirety, and all provisions of the other measure or measures shall be null and void.

- C. The provisions of this Act shall be liberally construed to further the purposes stated. In any legal action to enforce the provisions of this Act, the burden shall be on the state or local government to prove compliance with the provisions herein.